



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/506,419

09/02/2004

Ole-Bendt Rasmussen

3339

8359

23873 7590 05/07/2007
ROBERT W STROZIER, P.L.L.C
PO BOX 429
BELLAIRE, TX 77402-0429

EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,419

Applicant(s)

RASMUSSEN, OLE-BENDT

Examiner

Brent T. O'Hern

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37, 38 and 74-117 is/are pending in the application.
- 4a) Of the above claim(s) 37, 38, 74, 75 and 101-117 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 37-38, 74-117 are pending in the application. Claims 37-38, 74-75 and 101-117 are withdrawn.

WITHDRAWN OBJECTIONS

2. The objections of claims 77, 94, 95 and 98 of record in the Office Action mailed 2 November 2006, page 4, paragraph 11, have been withdrawn due to Applicant's amendments in the Paper filed 13 April 2007.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. 112, second paragraph rejections of claims 76-100 of record in the Office Action mailed 2 November 2006, page 5, paragraph 12, have been withdrawn due to Applicant's amendments in the Paper filed 13 April 2007.
4. The 35 U.S.C. 103 rejection of claim 78 of record in the Office Action mailed 2 November 2006, page 10, paragraph 14, as being unpatentable over Britton (US 4,454,184) in view of Rasmussen (US 4,039,364) and Johnston (US 3,340,128) has been withdrawn due to Applicant's amendments in the Paper filed 13 April 2007.

Examiner's Note

5. On page 3, paragraph 10 of the Office Action mailed 2 November 2006 the Examiner noted:

"Applicant is advised to write all section headings in **capital letters** and insert any **section headings** where applicable, such as "BRIEF DESCRIPTION OF

THE SEVERAL VIEWS OF THE DRAWING(S)" on page 24 of Applicant's Specification".

However, Applicant has not provided said section headings or responded.

6. In the Interview of 21 September 2006, the Examiner informed Applicant that the claims were very difficult to follow and presented 35 USC 112, second paragraph issues. During the interview, Applicant's attorney indicated that the original claims were drafted in Europe to comply with European patent practice and the inventor has played a significant role in drafting the claims. Applicant has insisted upon the usage of claim language even when Applicant's attorney has advised Applicant that said language does not comply with US patent practice.

It is noted that the pending claims are clearer than the originally filed claims, however, the claims are still very difficult to follow and are not written using claim language and structure as generally accepted in US patent practice. The Examiner has pointed out several vague and indefinite issues below.

REPEATED REJECTIONS

7. The 35 U.S.C. 103 rejections of claims 76-77, 83-85, 88-89, 93 and 96 as being unpatentable over Britton (US 4,454,184) in view of Rasmussen (US 4,039,364) are repeated for the reasons of record in the Office Action mailed 2 November 2006, page 5, paragraph 13.

8. The 35 U.S.C. 103 rejections of claims 79-82, 86, 90, 94-95, 97-98 and 100 as being unpatentable Britton (US 4,454,184) in view of Rasmussen (US 4,039,364) and

Lappala (US 2,851,389) are repeated for the reasons of record in the Office Action mailed 2 November 2006, page 11, paragraph 15.

9. The 35 U.S.C. 103 rejections of claims 87, 91-92 and 99 as being unpatentable over Britton (US 4,454,184) in view of Rasmussen (US 4,039,364), Velazquez (US 5,614,297) and Cederblad et al. (US 6,204,207) are repeated for the reasons of record in the Office Action mailed 2 November 2006, page 16, paragraph 16.

NEW REJECTIONS

Claim Rejections - 35 USC § 112

10. Claims 76-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is **insufficient antecedent basis** for the following limitations: "the main direction of orientation in film A" and "the main direction of orientation in film B" in claim 76, line 5, "said films" in claim 76, line 7, "the mutually facing sides" and "said main layers" in claim 76, line 9, "first surface layer" and "its main layer" in claim 76, line 11, "the main layer of each of the films A and B" in claim 76, line 13, "the arrays" in claim 76, line 14, "the two films" in claim 76, lines 14-15, "said second surface layers" in claim 76, line 16, "the lamination strength" in claim 76, lines 16-17, "the strand-free regions thereof" in claim 76, line 17, "the polymer material of the strands" in claim 76, line 18, "the crossing points" in claim 76, lines 18-19, "the strand arrays" in claim 76, line 19, "the strand crossing points" in claim 76, lines 19-20, "the strands", "the respective arrays" and "their crossing points" in claim 77, line 1 of page 4, "the thickness" in claim

Art Unit: 1772

79, lines 2, "the thickness" in claim 79, lines 3, "the collective area" in claim 80, line 2, "the area" and "the respective film side" in claim 80, line 3, "the thickness increase" in claim 81, line 1, "the locations" in claim 81, line 2, "the film thickness" in claim 81, lines 2-3, "the distance" in claim 82, line 1, "the center-to-center of adjacent pairs of strands in each array" in claim 82, lines 1-2, "the lamination strength" and "the thin strands" in claim 83, line 2, "the strand-free regions" in claim 83, line 5, "the bonding strength" in claim 83, lines 5-6, "its sides" in claim 84, line 4, on page 5, "said common film A" in claim 84, lines 6-7, on page 5, "the strands thereof" and "the strands of said common film A" in claim 84, line 7, on page 5, "its outer films" in claim 85, line 2, "the continuous second surface layer" in claim 87, line 4, "the strands in the first surface layers" and "said films" in claim 87, line 7, "the contacting mutually facing strand-free regions thereof" in claim 88, line 3, "said arrays of strands" in claim 89, lines 2-3, "said two arrays" in claim 89, line 4, "the differing arrays" in claim 89, line 6, "the volume of the corresponding film" in claim 90, lines 2-3, "the average melting point" in claim 91, line 2, "the strand-formed first layer" in claim 91, lines 2-3, "the average melting point of the polymer material of the main layer" in claim 91, lines 3-4, "the average melting point of the polymer material" in claim 92, line 2, "the strand-formed first layer" in claim 92, lines 2-3, "the average melting point of the polymer material of the main layer" in claim 92, lines 3-4, "said films" in claim 93, line 3, "the thickness of the strands" in claim 94, line 2, "the thickness of the respective film" in claim 94, line 3, "the thickness increase" and "the locations" in claim 95, line 2, "the film thickness in strand-free regions" in claim 95, line 3, "its sides" in claim 97, line 3, "its exterior surface" in claim 97, line 4, "the spacing"

and "said pattern" in claim 97, line 6, "the coloured strands" in claim 97, line 8, "the depth of the corrugations" in claim 97, line 9, "the exterior surface" in claim 97, line 10, "the actual maximum thickness" in claim 97, line 11, "the volume" in claim 98, lines 2-3, "the corresponding film" in claim 98, line 3, "the average melting point of the polymer" in claim 99, line 2, "the strand-formed first surface layer" in claim 99, lines 2-3, "the average melting point of the polymer material which constitutes the main layer thereof" in claim 99, lines 3-4 and "the distance" in claim 100, line 1.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 103

11. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britton (US 4,454,184) in view of Rasmussen (US 4,039,364) and Johnston (US 3,340,128).

Note, the rejection of dependent claim #78 is substantially the same as the rejection in the previous office action, but for the minor amendments to claim #78 presented in Applicant's Paper filed 13 April 2007.

Britton ('184) and Rasmussen (364) teach the laminate discussed above, however fail to expressly disclose wherein the polymer material of the strands of at least one of the arrays comprises coloration material in sufficient amount coloration or amount and coloration to render the strands visible through at least one side of the cross-laminate.

However, Johnston ('128) teaches wherein the polymer material of the strands of at least one of the arrays comprises coloration material in sufficient amount and/or

Art Unit: 1772

coloration to render the strands visible through at least one side of the cross-laminate (*col. 24, l. 58*) for the purpose of providing a decorative motif (*col. 24, ll. 59-60*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide strands with coloration as taught by Johnston ('128) in Britton ('184) in order to provide a product having a decorative motif.

ANSWERS TO APPLICANT'S ARGUMENTS

12. In response to Applicant's arguments (*p. 16, para. 1 to p. 32, para. 1 of Applicant's Paper filed 13 April 2007*) regarding the patentability of the Applicant's pending claims over the cited references, it is noted, as discussed above that Applicant's claims have significant 35 USC 112 issues and thus are very difficult to follow. Thus, Applicant is advised to make appropriate corrections.

13. In response to Applicant's arguments (*p. 17, paras. 1-4 of Applicant's Paper filed 13 April 2007*) that Britton's ('184) strands are not responsible for bonding, thus does not teach independent claim #76, it is noted that Applicant does not claim "strands responsible for bonding" thus Applicant's argument is not germane to any issue at bar.

14. In response to Applicant's arguments (*p. 17, paras. 5-6 of Applicant's Paper filed 13 April 2007*) that Rasmussen ('364) does nothing to remove the deficiencies in Britton ('184), it is noted, as discussed above, that Rasmussen ('364) teaches wherein each of the films A and B having an uniaxial or biaxial molecular orientation (*col. 6, ll. 1-5*) for the purpose of producing durable tarps for heavy duty applications (*col. 1, ll. 16-19*).

15. In response to Applicant's arguments (*p. 18, paras. 1-2 of Applicant's Paper filed 13 April 2007*) that the layer would be significantly weakened if the fibers of Britton

Art Unit: 1772

('184) were directly bonded to each other, it is noted as discussed above, that Applicant does not claim strands bonded to strands, thus Applicant's argument is not germane to any issue at bar.

16. In response to Applicant's arguments (*p. 18, paras. 4-5 of Applicant's Paper filed 13 April 2007*) that the strength of Britton ('184) is due to the adhesive bonding, it is noted as discussed above, that Applicant does not claim strands bonded to strands, thus Applicant's argument is not germane to any issue at bar.

17. In response to Applicant's arguments (*p. 19, para. 2 to p. 20, para. 8 of Applicant's Paper filed 13 April 2007*) that Britton ('184) does not teach the limitations of claim 84-85, 88-89 and 93, it is noted as discussed above, that Applicant does not claim strands bonded to strands, thus Applicant's argument is not germane to any issue at bar.

18. In response to Applicant's arguments (*p. 21, paras. 3-4 of Applicant's Paper filed 13 April 2007*) that Johnston ('128) does not repair the deficiencies of claim #78, it is noted that Applicant has not provided any analysis to support said conclusion.

19. In response to Applicant's arguments (*p. 21, para. 5 to p. 28, para. 5 of Applicant's Paper filed 13 April 2007*) that Lappala ('389) does not repair the deficiencies of claims 79-82, 86, 90, 94-95, 97-98 and 100, it is noted that Applicant has not provided any analysis to support said conclusions.

20. In response to Applicant's arguments (*p. 29, para. 2 to p. 30, para. 2 of Applicant's Paper filed 13 April 2007*) that Velazquez ('297) and Cederblad ('207) do not

Art Unit: 1772

repair the deficiencies of claims 91-92 and 99, it is noted that Applicant has not provided any analysis to support said conclusions.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brent T O'Hern
Examiner
Art Unit 1772
May 3, 2007


NASSER AHMAD
PRIMARY EXAMINER 5/3/07